

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

JAMES L. FISHER,)	Case No. 8:07CV378
)	
Plaintiff,)	
vs)	MEMORANDUM
)	AND ORDER
TERRY GOYNES, JAMES W.)	
McKENZIE, DANIEL J. MARRS,)	
and ROBERT P. HOUSTON,)	
)	
Defendants.)	

In a memorandum and order entered on September 25, 2007 (filing 6), the court on its own motion dismissed Myrtle Humphrey, Antonio Gabara, and Michelle Gabara as plaintiffs because they had not signed the complaint and because Antonio Gabara was alleged to be a minor. An amended complaint (filing 7), signed by James Fisher, Myrtle Humphrey, and Michelle Gabara, was filed later that same day. I find that Myrtle Humphrey and Michelle Gabara should be reinstated as plaintiffs, but that the amended complaint does not cure the defect(s) regarding the minor plaintiff, Antonio Gabara.

The court's previous memorandum and order also denied a motion for a temporary restraining order ("TRO") that was signed only by James Fisher. The denial was based "on the merits," however, not on the lack of signatures by all named plaintiffs. Consequently, an amended TRO motion (filing 8) which is signed by James Fisher, Myrtle Humphrey, and Michelle Gabara, but which is otherwise indistinguishable from the previous motion, will also be denied.

Accordingly,

IT IS ORDERED that:

1. Myrtle Humphrey and Michelle Gabara are reinstated to this action as plaintiffs.
2. Antonio Gabara is not reinstated as a plaintiff to this action, and his name is stricken from the caption of the amended complaint (filing 7).
3. The plaintiffs' amended motion for a temporary restraining order (filing 8) is denied.

September 27, 2007.

BY THE COURT:

s/Richard G. Kopf
United States District Judge